

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 1007

H.P. 745

House of Representatives, March 10, 2021

An Act To Increase Availability of Health Care through Telehealth

Reference to the Committee on Health Coverage, Insurance and Financial Services suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative LIBBY of Auburn.
Cosponsored by Senator STEWART of Aroostook and
Representatives: CRAVEN of Lewiston, MADIGAN of Waterville, MORRIS of Turner,
PERRY of Calais, STOVER of Boothbay, WARREN of Hallowell, ZAGER of Portland,
Senator: BRENNER of Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 24-A MRSA §4316, sub-§2**, as corrected by RR 2019, c. 2, Pt. A, §28, is
3 amended to read:

4 **2. Parity for telehealth services.** A carrier offering a health plan in this State may
5 not deny coverage on the basis that the health care service is provided through telehealth if
6 the health care service would be covered if it were provided through in-person consultation
7 between an enrollee and a provider. Coverage for health care services provided through
8 telehealth must be determined in a manner consistent with coverage for health care services
9 provided through in-person consultation. If an enrollee is eligible for coverage and the
10 delivery of the health care service through telehealth is medically appropriate, a carrier may
11 not deny coverage for telehealth services, including services provided under Title 32,
12 section 60-O. A carrier may offer a health plan containing a provision for a deductible,
13 copayment or coinsurance requirement for a health care service provided through telehealth
14 as long as the deductible, copayment or coinsurance does not exceed the deductible,
15 copayment or coinsurance applicable to a comparable service provided through in-person
16 consultation. A carrier may not exclude a health care service from coverage solely because
17 such health care service is provided only through a telehealth encounter, as long as
18 telehealth is appropriate for the provision of such health care service.

19 **Sec. 2. 32 MRSA c. 1-A, sub-c. 4** is enacted to read:

20 **SUBCHAPTER 4**

21 **TELEHEALTH**

22 **§60-O. Telehealth**

23 Notwithstanding any provision of law to the contrary, a licensee or registrant under
24 chapters 2, 9, 22, 32, 45-A, 51, 56, 71-A, 81, 83, 97, 103, 104, 113-B, 117, 119, 127-A and
25 137 to the extent practicable may provide necessary health care or other services through
26 the use of all modes of telehealth, including visual and audio, audio-only or other electronic
27 media. For purposes of this section, "telehealth" means the use of interactive real-time
28 visual and audio or other electronic media for the purpose of consultation and education
29 concerning and diagnosis, treatment, care management and self-management of an
30 enrollee's physical and mental health and includes real-time interaction between the
31 enrollee and the telehealth provider, synchronous encounters, asynchronous encounters,
32 store and forward transfers and telemonitoring. This section does not expand the scope of
33 practice for any licensee or registrant under this Title.

34 **SUMMARY**

35 This bill makes permanent the Governor's Executive Order #35 dated April 6, 2020,
36 which allows certain licensed or registered professionals under Title 32 of the Maine
37 Revised Statutes to provide necessary health care or other services to the extent practicable
38 through the use of all modes of telehealth, including visual and audio, audio-only or other
39 electronic media. The bill also clarifies that these services must be covered by insurance
40 as they would be if provided in person.